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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

11 MARK STOYAS, NEW ENGLAND
12 TEAMSTERS & TRUCKING
13 INDUSTRY PENSION FUND, and
14 AUTOMOTIVE INDUSTRIES
15 PENSION TRUST FUND, individually
16 and on behalf of all others similarly
17 situated,

18 Plaintiffs,

19 v.

20 TOSHIBA CORPORATION, a
21 Japanese Corporation,

22 Defendant.

Case No.: 2:15-cv-04194-DDP-JC

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**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
MOTION FOR LEAVE TO
PARTICIPATE AS *AMICUS
CURIAE***

Date: June 7, 2021
Time: 10:00 a.m.
Courtroom: 9C
Judge: Hon. Dean D. Pregerson

1 **I. INTRODUCTION**

2 The Ministry of Economy, Trade and Industry of Japan (“METI”) is a
 3 ministry of the government of Japan. Its mission includes developing Japan’s
 4 economy and industry by focusing on promoting economic vitality in private
 5 companies and smoothly advancing external economic relationships. METI
 6 respectfully moves for leave to participate as an *amicus curiae* in connection with
 7 Plaintiffs’ Motion for Class Certification in this action.

8 **II. ARGUMENT**

9 A “district court has broad discretion to appoint *amici curiae*.” *Hoptowit v.*
 10 *Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982), abrogated on other grounds by *Sandin v.*
 11 *Conner*, 515 U.S. 472 (1995). The “classic role” of *amici curiae* is “assisting in a
 12 case of general public interest, supplementing the efforts of counsel, and drawing
 13 the court’s attention to law that escaped consideration.” *Miller-Wohl Co., Inc. v.*
 14 *Comm’r of Labor and Indus.*, 694 F.2d 203, 204 (9th Cir. 1982).

15 “District courts frequently welcome *amicus* briefs from nonparties
 16 concerning legal issues that have potential ramifications beyond the parties directly
 17 involved or if the *amicus* has ‘unique information or perspective that can help the
 18 court beyond the help that the lawyers for the parties are able to provide.’” *Safari*
 19 *Club Intern. v. Harris*, 2015 WL 1255491 at *1 (E.D. Cal. Jan. 14, 2015) (citing
 20 *NGV Gaming, Ltd. v. Upstream Point Molate, LLC*, 355 F.Supp.2d 1061, 1067
 21 (N.D. Cal. 2005)). Courts often rely on *amicus* briefs from foreign governmental
 22 entities in deciding issues that touch on matters of international comity. *See e.g.*,
 23 *Cooper v. Tokyo Elec. Power Co.*, 860 F.3d 1193, 1206 (9th Cir. 2017) (citing
 24 *amicus* brief of the Government of Japan in assessing issue of international comity);
 25 *Gerling Glob. Reinsurance Corp. of Am. v. Quackenbush*, 2000 WL 777978, at *1
 26 (E.D. Cal. June 9, 2000) (citing *amicus* brief of Federal Republic of Germany in
 27 assessing state law’s effect in foreign countries). “The touchstone is whether the
 28 *amicus* is ‘helpful,’ and there is no requirement ‘that amici must be totally

1 disinterested.”” *Cal. v. U.S. Dept. of Labor*, 2014 WL 12691095 at *1 (E.D. Cal.
2 Jan. 14, 2014) (citing *Hoptowit*, 682 F.2d at 1260).

3 METI brings unique information and perspective to the issues implicated in
4 this putative class action and should be granted leave to submit a brief concerning
5 these issues. Specifically, METI’s submission will offer perspective and
6 information concerning the potential legal and economic repercussions of class
7 certification on Japanese capital markets, issuers, industries, and the country’s
8 economy, as well the implications the Court’s ruling may have on Japanese
9 securities laws and international comity. Because this case—and, in particular,
10 Plaintiffs’ pending Motion for Class Certification—implicates important public and
11 international interests with ramifications beyond the parties directly involved,
12 METI should be granted leave to submit a brief on these issues.

13 **III. CONCLUSION**

14 For the foregoing reasons, METI respectfully requests that the Court grant
15 leave for it to participate as *amicus curiae* and to submit a brief in opposition to
16 Plaintiffs’ Motion for Class Certification.

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18 Dated: April 29, 2021

SADAT LAW GROUP

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20 By: /s/ Arash Sadat
21 Arash Sadat

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23 Attorneys for Movant
24 Ministry of Economy, Trade and
25 Industry of Japan

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